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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,591	10/27/2003	Heimo Hartlieb	P2001,0304	3498
24131	7590	07/14/2006	EXAMINER	
LERNER GREENBERG STEMER LLP			GEIB, BENJAMIN P	
P O BOX 2480			ART UNIT	
HOLLYWOOD, FL 33022-2480			PAPER NUMBER	
			2181	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/694,591	<b>Applicant(s)</b> HARTLIEB ET AL.	
	<b>Examiner</b> Benjamin P. Geib	<b>Art Unit</b> 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*Fritz M. Fleming*  
FRITZ FLEMING  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

7/7/2006

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-6 have been examined.
2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment as received on 05/08/2006.

### ***Claim Rejections - 35 USC § 102***

3. Applicant has failed to overcome the 35 U.S.C. 102 rejections set forth in the previous Office Action for claims 1-5. Therefore, these rejections are respectfully maintained by the examiner and copied below for applicant's convenience.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Raje, U.S. Patent No. 5,881,260.
6. Referring to claim 1, Raje has taught a method for identifying a correct command entry address, the method which comprises:

providing each one of a plurality of short command words with a first start bit having a predetermined value *[Each instruction that is a word long (i.e. short command word) is provided a first start bit having a value of one; See column 5, lines 19-33, ]*;

providing each one of a plurality of long command words with the first start bit having the predetermined value and with a second start bit having a value different from

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the predetermined value of the first start bit *[Each instruction that is longer than a word (i.e. long command word) is provided a first start bit having a value of one and a second start bit having a value of zero; See column 5, lines 19-33]; and*

outputting a signal (*PCL Signal*) from a checking apparatus (*NEXTPC logic block; Fig. 4, component 250*) if a command entry address (*PC*) is not correct *[If the command entry address (*PC*) is not correct, the *PCL* signal will be output to indicate this situation to the *NEXTPC* logic; See column 6, line 45 – column 7, line 49 and Fig. 4].*

7. Referring to claim 2, Raje has taught the method according to claim 1, which further comprises:

outputting a signal (*PCL Signal*) from the checking apparatus (*NEXTPC logic block; Fig. 4, component 250*) if an intended entry point is the second start bit *[If the intended entry point is the second start bit, the *PCL* signal will be output to indicate this situation to the *NEXTPC* logic; See column 6, line 45 – column 7, line 49 and Fig. 4].*

8. Referring to claim 3, Raje has taught the method according to claim 2, which further comprises:

providing each one of the plurality of long command words with a first command word half having a beginning and a second command word half having a beginning *[Each long command word (i.e. instruction that is longer than a word) has a length that is a multiple of a word (i.e. word half). Therefore, each long command word has at least a first and second command word half; See column 5, lines 19-33 and Fig. 2];*

configuring the first start bit at the beginning of the first command word half [*The first start bit is at the beginning of the first command word half (i.e. word); See column 5, lines 19-33 and Fig. 2*]; and

configuring the second start bit at the beginning of the second command word half [*The second start bit is at the beginning of the second command word half (i.e. word); See column 5, lines 19-33 and Fig. 2*].

9. Referring to claim 4, Raje has taught the method according to claim 3, which further comprises:

providing the value of the second start bit as an inverse of the value of the first start bit [*The first start bit has a value of one and the second start bit has a value of zero, which is the inverse of one; See column 5, lines 19-33 and Fig. 2*].

10. Referring to claim 5, Raje has taught the method according to claim 2, which further comprises:

providing the value of the second start bit as an inverse of the value of the first start bit [*The first start bit has a value of one and the second start bit has a value of zero, which is the inverse of one; See column 5, lines 19-33 and Fig. 2*].

11. Referring to claim 6, Raje has taught a method for identifying a correct command entry address, the method which comprises:

defining command words [*instructions*] of mutually different lengths and including short command words [*instructions that are a word long*] and long command words [*instructions that are longer than a word*], and each command word having a

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predetermined first start bit *[Each instruction (i.e. command word) has a first start bit that is predetermined to have a value of one; See Fig. 2; column 5, lines 19-33];*

providing each long command word with a second start bit having a value different from the predetermined first start bit *[Each instruction longer than a word has a second start bit having a predetermined value of zero; See Fig. 2; column 5, lines 19-33];* and

checking the start bit with a checking apparatus *[NEXTPC logic block; Fig. 4, component 250]*, determining whether or not the start bit indicates a correct command entry address *[program count (PC)]*, and outputting a signal *[lower program count (PCL) signal]* from the checking apparatus if the command entry address is not correct *[The start bits are checked bits are checked by the NEXTPC logic block to determine the length of the instruction and the PCL is modified appropriately and output from the checking apparatus if the PC not correct; See column 6, line 45 – column 7, line 49 and Fig. 4].*

### ***Response to Arguments***

12. Applicant's arguments filed on May 8, 2006, have been fully considered but they are not found persuasive.

13. Applicant argues the novelty/rejection of claims 1 and 6 on pages 5-7 of the remarks, in substance that:

"command words of mutually different lengths are not utilized by Raje" (5<sup>th</sup> paragraph on page 5)

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"The concept underlying the claimed invention is entirely different [from that of Raje]" (1<sup>st</sup> paragraph on page 7)

These arguments are not found persuasive for the following reasons:

As admitted to by the Applicant [*5<sup>th</sup> paragraph on page 5 of Remarks*], Raje teaches instructions of different lengths [*Raje; See Summary*]. These instructions are command words as they are words that instruct, or command, the processor to perform a particular operation. Therefore, Raje utilizes command words (i.e. instructions) of mutually different lengths. It appears to the Examiner that the Applicant, in the remarks, interprets a "command word" to be a portion of an instruction and not an instruction as a whole. However, "command word" has not been defined within the specification to be a portion of an instruction and the claim language as written does not require this interpretation. Furthermore, it is the Examiner's understanding that the term "command word" as used in the specification does, in fact, refer to an instruction as a whole and not only a portion of an instruction.

Applicant's arguments regarding the concept underlying the claimed invention fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. The following is text cited from 37 CFR 1.111(c): In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin P. Geib whose telephone number is (571) 272-8628. The examiner can normally be reached on Mon-Fri 8:30am-5:00pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz Fleming can be reached on (571) 272-4145. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin P Geib  
Examiner  
Art Unit 2181

*Fritz M. Fleming*  
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*7/7/06*